

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America

v.

Wallace Powell

Date of Previous Judgment: June 30, 1998

(Use Date of Last Amended Judgment if Applicable)

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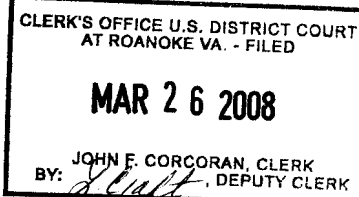
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Case No: 7:97CR30034-001USM No: 94068-071

Defendant's Attorney



Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 168 months is reduced to 135 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 32Amended Offense Level: 30Criminal History Category: IVCriminal History Category: IVPrevious Guideline Range: 168 to 210 monthsAmended Guideline Range: 135 to 168 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

*The defendant's term of imprisonment is hereby reduced to 135 months, but not less than time served.

III. ADDITIONAL COMMENTS

The factors listed in 18 U.S.C. § 3553(a) having been considered, the government's objections to the reduction are overruled.

Except as provided above, all provisions of the judgment dated 06/30/1998 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 26, 2008

James C. Turk
Judge's signature

Effective Date: _____
(if different from order date)

James C. Turk, Senior United States District Judge
Printed name and title